

## House File 136 - Introduced

HOUSE FILE 136

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### A BILL FOR

1 An Act restoring the right to register to vote and to vote  
2 and hold elective office for certain persons and including  
3 effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 39A.1, subsection 2, Code 2021, is  
2 amended to read as follows:

3 2. The purpose of **this chapter** is to identify actions which  
4 threaten the integrity of the election process and to impose  
5 significant sanctions upon persons who intentionally commit  
6 those acts. It is the intent of the general assembly that  
7 offenses with the greatest potential to affect the election  
8 process be vigorously prosecuted and strong punishment meted  
9 out through the imposition of felony sanctions which, as a  
10 consequence, remove the voting rights of the offenders until  
11 such rights are restored by the governor, by the president of  
12 the United States, or by operation of law. Other offenses are  
13 still considered serious, but based on the factual context in  
14 which they arise, they may not rise to the level of offenses  
15 to which felony penalties attach. The general assembly  
16 also recognizes that instances may arise in which technical  
17 infractions of **chapters 39 through 53** may occur which do not  
18 merit any level of criminal sanction. In such instances,  
19 administrative notice from the state or county commissioner  
20 of elections is sufficient. Mandates or proscriptions in  
21 chapters 39 through 53 which are not specifically included in  
22 this chapter shall be considered to be directive only, without  
23 criminal sanction.

24 Sec. 2. Section 43.18, subsection 9, Code 2021, is amended  
25 to read as follows:

26 9. A statement that the candidate is aware that the  
27 candidate is disqualified from holding office if the candidate  
28 has been convicted of a felony or other infamous crime and the  
29 candidate's rights have not been restored by the governor, ~~or~~  
30 by the president of the United States, or by operation of law.

31 Sec. 3. Section 43.67, subsection 2, paragraph i, Code 2021,  
32 is amended to read as follows:

33 i. A statement that the candidate is aware that the  
34 candidate is disqualified from holding office if the candidate  
35 has been convicted of a felony or other infamous crime and the

1 candidate's rights have not been restored by the governor, ~~or~~  
2 by the president of the United States, or by operation of law.

3 Sec. 4. Section 44.3, subsection 2, paragraph i, Code 2021,  
4 is amended to read as follows:

5 *i.* A statement that the candidate is aware that the  
6 candidate is disqualified from holding office if the candidate  
7 has been convicted of a felony or other infamous crime and the  
8 candidate's rights have not been restored by the governor, ~~or~~  
9 by the president of the United States, or by operation of law.

10 Sec. 5. Section 45.3, subsection 9, Code 2021, is amended  
11 to read as follows:

12 9. A statement that the candidate is aware that the  
13 candidate is disqualified from holding office if the candidate  
14 has been convicted of a felony or other infamous crime and the  
15 candidate's rights have not been restored by the governor, ~~or~~  
16 by the president of the United States, or by operation of law.

17 Sec. 6. Section 48A.6, subsection 1, Code 2021, is amended  
18 to read as follows:

19 1. A person who has been convicted of a felony as defined  
20 in [section 701.7](#), or convicted of an offense classified as a  
21 felony under federal law. If the person's rights are later  
22 restored pursuant to section 914.8, or by a pardon issued by  
23 the governor, ~~or by the president of the United States,~~ the  
24 person may register to vote.

25 Sec. 7. Section 57.1, subsection 2, paragraph c, Code 2021,  
26 is amended to read as follows:

27 *c.* That prior to the election the incumbent had been duly  
28 convicted of a felony, as defined in [section 701.7](#), and that  
29 the judgment had not been reversed, annulled, or set aside, nor  
30 the incumbent pardoned by the governor or the president of the  
31 United States or restored to the rights of citizenship ~~by the~~  
32 ~~governor under [chapter 914](#)~~ pursuant to section 914.8, at the  
33 time of the election.

34 Sec. 8. Section 123.3, subsection 40, paragraph d, Code  
35 2021, is amended to read as follows:

1     *d.* The person has not been convicted of a felony. However,  
2 if the person's conviction of a felony occurred more than five  
3 years before the date of the application for a license or  
4 permit, and if the person's rights of citizenship have been  
5 restored by the governor pursuant to sections 914.1 through  
6 914.6, the administrator may determine that the person is of  
7 good moral character notwithstanding such conviction.

8     Sec. 9. Section 161A.5, subsection 3, paragraph b, Code  
9 2021, is amended to read as follows:

10    *b.* Every candidate shall file with the nomination papers  
11 an affidavit stating the candidate's name, the candidate's  
12 residence, that the person is a candidate and is eligible for  
13 the office of commissioner, and that if elected the candidate  
14 will qualify for the office. The affidavit shall also state  
15 that the candidate is aware that the candidate is disqualified  
16 from holding office if the candidate has been convicted of a  
17 felony or other infamous crime and the candidate's rights have  
18 not been restored by the governor, ~~or~~ by the president of the  
19 United States, or by operation of law.

20    Sec. 10. Section 277.4, subsection 2, paragraph b, Code  
21 2021, is amended to read as follows:

22    *b.* Signers of nomination petitions shall include their  
23 addresses and the date of signing, and must reside in the same  
24 director district as the candidate if directors are elected  
25 by the voters of a director district, rather than at-large.  
26 A person may sign nomination petitions for more than one  
27 candidate for the same office, and the signature is not invalid  
28 solely because the person signed nomination petitions for  
29 one or more other candidates for the office. The petition  
30 shall be filed with the affidavit of the candidate being  
31 nominated, stating the candidate's name, place of residence,  
32 that such person is a candidate and is eligible for the office  
33 the candidate seeks, and that if elected the candidate will  
34 qualify for the office. The affidavit shall also state that  
35 the candidate is aware that the candidate is disqualified

1 from holding office if the candidate has been convicted of a  
2 felony or other infamous crime and the candidate's rights have  
3 not been restored by the governor, ~~or~~ by the president of the  
4 United States, or by operation of law.

5 Sec. 11. Section 376.4, subsection 2, paragraph b, Code  
6 2021, is amended to read as follows:

7 b. The petition must include the affidavit of the individual  
8 for whom it is filed, stating the individual's name, the  
9 individual's residence, that the individual is a candidate and  
10 eligible for the office, and that if elected the individual  
11 will qualify for the office. The affidavit shall also state  
12 that the candidate is aware that the candidate is disqualified  
13 from holding office if the candidate has been convicted of a  
14 felony or other infamous crime and the candidate's rights have  
15 not been restored by the governor, ~~or~~ by the president of the  
16 United States, or by operation of law.

17 Sec. 12. Section 914.2, Code 2021, is amended to read as  
18 follows:

19 **914.2 Right of application.**

20 Except as otherwise provided in [section 902.2](#) or [914.8](#), a  
21 person convicted of a criminal offense has the right to make  
22 application to the board of parole for recommendation or to  
23 the governor for a reprieve, pardon, commutation of sentence,  
24 remission of fines or forfeitures, or restoration of rights of  
25 citizenship at any time following the conviction.

26 Sec. 13. NEW SECTION. **914.8 Restoration of right to**  
27 **register and to vote.**

28 1. A person convicted of a felony criminal offense who has  
29 been discharged from probation, parole, or work release or  
30 who is released from confinement under section 902.6 because  
31 the person has completed the person's term of confinement  
32 shall have the person's right to register to vote and to vote  
33 restored.

34 2. As soon as practicable, the department of corrections  
35 or judicial district department of correctional services,

1 whichever is applicable, shall provide written notice to each  
 2 person, as described in subsection 1, who, on or after January  
 3 14, 2011, has been discharged from probation, parole, or work  
 4 release or who, on or after January 14, 2011, has completed a  
 5 term of confinement, that the person's right to register to  
 6 vote and to vote has been restored. The notice shall include a  
 7 voter registration form.

8 3. The department of corrections shall monthly provide a  
 9 list of all persons notified under subsection 2 in the previous  
 10 month to the state registrar of voters who shall provide the  
 11 information to the county registrars of voters as deemed  
 12 necessary.

13 4. A person described in subsection 1 may still make  
 14 application for a restoration of citizenship rights pursuant  
 15 to sections 914.1 through 914.6. Such an application, unless  
 16 withdrawn, shall be processed as required by this chapter.

17 5. This section shall not relieve a person of any unpaid  
 18 restitution, fine, or other obligation resulting from  
 19 conviction.

20 Sec. 14. EFFECTIVE UPON ENACTMENT. This Act, being deemed  
 21 of immediate importance, takes effect upon enactment.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with  
 24 the explanation's substance by the members of the general assembly.

25 This bill enacts new Code section 914.8 which requires  
 26 that, upon discharge from certain felony criminal sentences,  
 27 citizenship rights related to voting and qualification for  
 28 public office must be restored.

29 The bill requires that the right to register to vote and to  
 30 vote be restored for any individual who has been discharged  
 31 from criminal sentence for any felony. To be discharged from  
 32 criminal sentence, under the bill, an individual must also be  
 33 discharged from any accompanying term of probation, parole,  
 34 or supervised release. The restoration of citizenship rights  
 35 provided for under the bill shall only extend to the right to

1 register to vote and to vote and to hold elective office, and  
2 would not include any other citizenship rights. The bill does  
3 not relieve the individual of unpaid restitution, fines, or  
4 other obligations resulting from conviction. The bill does not  
5 limit an individual's ability to apply to the governor for a  
6 restoration of citizenship rights, as currently provided for in  
7 Code chapter 914.

8     The bill requires that the department of corrections notify  
9 an individual whose right to register to vote and to vote  
10 has been restored on or after January 14, 2011. The bill  
11 requires, where applicable, the judicial district department of  
12 correctional services to notify an individual whose rights have  
13 been restored. The department of corrections is also required  
14 to monthly provide a list of the individuals notified to the  
15 state registrar of voters (secretary of state).

16     The bill takes effect upon enactment.